

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 23, 2010

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and S. Stahl, Deputy Clerk.

Each of the following:

B214957 Stark v. Withrow

B213233 Church of Christ v. Cage-Barile

Argument waived, cause submitted.

B212941 Snow, et al.
 v.
 2340 PCH, LLC

Merits:

Argued by Paul Kujawsky for appellant. John F. Oaks appeared and waived argument for respondents. Cause submitted.

B215900 Shapiro, et al.
 v.
 Professional Interactive Entertainment

Merits:

Argued by Michael S. Traylor for appellant and by Jeffrey I. Abrams for respondents. Cause submitted.

April 23, 2010 (Continued)

DIVISION ONE (continued)

B212059 Malone
v.
Merle Norman Cosmetics, Inc.

Merits:
Argued by Richard Knickerbocker for appellant and by Robert C. Baker for respondent. Cause submitted.

Mallano, P.J. leaves the bench.

B215272 Heritage Entertainment, LLC
v.
First Look Studios, Inc.

Merits:
Argued by Charles M. Coate for appellant and by Vince L. Ravine for respondent. Cause submitted.

B213975 Klein
v.
Longs Drug Stores California, Inc., et al.

Merits:
Argued by Michelle E. Diaz for appellant and by Michael Holloman for respondents. Cause submitted.

Court adjourned.

B216136 People v. Murray (Not for Publication)

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

DIVISION ONE (continued)

B218037 Brown (Not for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

The Court:

Therefore, in case No. BA088952, entitled People v. Joseph Lewis Brown, let a peremptory writ issue, commanding respondent superior court to vacate its order denying the motion of Petitioner for DNA testing pursuant to Penal Code section 1405, and to issue a new and different order granting same as to the exhibits listed in our opinion above and stored in the Los Angeles Superior Court.

Mallano, P.J.

Chaney, J.

Johnson, J.

B217427 People (Not for Publication)

v.

Washington

The judgment is conditionally reversed and the cause remanded with directions to the trial court to conduct an in camera hearing on Washington's discovery motion consistent with this opinion and applicable statutory provisions, and to make a record in accordance with the procedures set forth in People v. Mooc (2001) 26 Cal.4th 1216, 1226-1230. If the hearing reveals no discoverable information, the trial court shall reinstate the original judgment. If the in camera hearing reveals discoverable information, the trial court shall grant discovery, allow Washington an opportunity to demonstrate prejudice, and order a new trial if prejudice is demonstrated. If prejudice is not demonstrated, the trial court shall reinstate the original judgment.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

April 23, 2010 (Continued)

DIVISION ONE (continued)

B212116 People (Not for Publication)
v.
Villa

The judgment is modified to stay the sentence on count 3. As so modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment and forward a certified copy thereof to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

B214329 People (Not for Publication)
v.
Romes & Aguilar

The judgments are affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

B214892 People (Not for Publication)
v.
Valencia

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

April 23, 2010 (Continued)

DIVISION ONE (continued)

B222551 Christian M. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Department Of Children and Family Services, r.p.i.)

The petition for an extraordinary writ is denied.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

B211932 Shalant (Certified for Partial Publication)
B214302 v.
 Girardi, et al.
 Castro
 v.
 Shalant

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B216528 People (Not for Publication)
 v.
 Monterroso

The order is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

April 23, 2010 (Continued)

DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

[illegible]

The judgment is affirmed in part and reversed in part. The case is remanded to the trial court.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B208726 The Community Redevelopment (Not for Publication)
Agency of the City of Los Angeles
v.
Kramer Metals, et al.

The judgment is affirmed. CRA shall recover its costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B215102 Fulton (Certified for Publication)

v.

The Medical Board of California

The judgment is affirmed. Respondent to have its costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

B212291 Westside Oak Furniture, et al. (Not for Publication)

v.

Larwin Group, LLC

The judgment is affirmed. Larwin is to have its costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

B213943 Devlin (Not for Publication)

v.

Foot & Ankle Doctors, Inc., et al.

The judgment is affirmed. Respondent to have its costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

DIVISION FOUR (continued)

B208440 Lockton (Not for Publication)
v.
O'Rourke

The judgment of dismissal of Locton's fifth amended complaint is affirmed. The trial court's order denying an award of attorney fees to Schirtzer and Quinn Emmanuel is reversed. The matter is remanded for a determination of the fee awards. Schirtzer and Quinn Emmanuel are to have their costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FIVE

B211381 Ruth Zimmerman
v.
Paul Zimmerman
Z&Z Commerical Partners LLC, et al.,

Filed order modifying opinion. (No change in the judgment)